

Fresno, California

February 10, 2004

The City Council met in regular session at the hour of 8:31 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Rabbi Robert Ourach, Temple Beth Israel, gave the invocation, and Councilmember Calhoun led the Pledge of Allegiance to the Flag.

CERTIFICATE OF RECOGNITION FOR BUDGET PREPARATION TO THE BUDGET AND MANAGEMENT STUDIES DIVISION FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA

Presented.

CERTIFICATES OF RECOGNITION TO STUDENTS OF THE ACCELERATED READING PROGRAM AT COOPER MIDDLE SCHOOL - COUNCILMEMBER BOYAJIAN

Presented.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE WINTER QUARTER

Certificates of Appreciation were presented to Sherry Vargas, Mayor/Council/Manager/City Clerk Departments; Mary Jean Rodriguez, Finance Department; Maria Campos and Ronald Peterson, Fire Department; Bruce Robinson, Larry Huskey and Stan Byrd, Fresno Area Express (FAX); Michael Brown and James Norton, General Services Department; Raj Nagra and Isaac Borrero, Information Services Department; Wendi Danyluk, Doug Frank and Ralph Mason, Parks, Recreation & Community Services Department; Velair Palms, Jackie Larkin, Carrie Todd, Sally Schneider and Kristina Perez, Personnel Services Department; Cecelia Lopez, Joe Simone and Douglas Dodson, Planning & Development Department; Roger Hogan, Alicia Garcia, Karen Kroske and Ed Torrez, Police Department; John Watkins, Robert Overton, Tom Adams, Darren Anderson, Robert Rodriguez and Henry Gomez, Department of Public Utilities; and Mary Baker, Beth McDonell, Charles Alan James and Del Estabrooke, Public Works Department. A reception was held immediately following to honor the employees.

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RECESS - 9:15 A.M. - 9:31 A.M.

APPROVE MINUTES OF FEBRUARY 3, 2004

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of February 3, 2004, approved as submitted.

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COUNCIL MEMBER REPORTS AND COMMENTS:

COMMENDATION TO BRADLEY DOAK ON HIS EAGLE SCOUT PROJECT-- THE REFURBISHMENT OF THE VIETNAM VETERANS' MEMORIAL IN WOODWARD PARK -- FOR THE QUALITY WORK AND THE SPECIALNESS OF THE MOMENT AT THE REDEDICATION CEREMONY - COUNCILMEMBER DUNCAN

Commendation made.

COMMENDATION TO P.R.I.D.E. TEAM HONOREE SHERRY VARGAS, DISTRICT 7 COUNCIL ASSISTANT, AND RON PETERSON, FIRE DEPARTMENT, FOR THEIR HARD WORK, PROFESSIONALISM AND FRIENDSHIP - COUNCILMEMBER PEREA

Commendation made.

REQUEST FOR INFORMATION ON THE GRAND JURY'S REVIEW OF CALTRANS MITIGATION FEES AND EXPECTED DATE OF STAFF'S REPORT TO COUNCIL ON SAME - COUNCILMEMBER BOYAJIAN

Request made with City Attorney Montoy and City Manager Hobbs briefly responding **(2 - 0)**.

CONCERN WITH NUMBER OF WORKSHOPS BEING SCHEDULED - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he was seeing a proliferation of workshops and was troubled by them and encouraged staff to "not go crazy" with them stating Council meetings were long enough as it was with city issues. City Manager Hobbs stated staff would respect Council's desires and clarified staff was trying to pick complex issues to discuss so Council could be fully informed which in turn makes staff's job easier.

MARCH 2, 2004, CITY COUNCIL MEETING - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian questioned why the agenda hearing schedule showed the "MARCH 2 - NO MEETING" as "tentative", with City Clerk Klisch advising it was up to Council to make the determination to cancel the meeting or not.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Council meeting of March 2, 2004, hereby cancelled (due to election day), by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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APPROVE AGENDA:

(3:00 P.M.) WORKSHOP REGARDING MEDICAL PLANS AND HEALTH & WELFARE TRUST

-and-

(3-A) DIRECT CITY MANAGER TO DEVELOP A FIVE-YEAR PLAN TO CREATE SENIOR CITIZEN CENTERS THROUGHOUT THE CITY WITH POTENTIAL FUNDING SOURCES - COUNCILMEMBER PEREA

Councilmember Duncan noted the above two items were comprehensive issues yet no back-up material was submitted in the packet, spoke to need to have material so Council can prepare for issues, and made a motion to table both items for two weeks or until written material is made available.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled **3:00 P.M.** and **3-A** items tabled two weeks or until written material is made available, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Sterling
Noes	:	Perea, Castillo
Absent	:	None

Councilmember Perea asked that Council not be afraid to talk about senior centers and he hoped a full discussion would take place when the matter is rescheduled.

(11:00 A.M.) RECEIVE ASSESSMENT REPORT OF THE ECONOMIC DEVELOPMENT CORPORATION'S (EDC) ANNUAL REPORT FOR FISCAL YEAR 2003

1. RESOLUTION - APPROVING THE APPROPRIATION OF \$180,000 FROM CONTINGENCY TO FUND THE AGREEMENT WITH THE EDC
2. AUTHORIZE THE CITY MANGER TO EXECUTE THE AGREEMENT WITH THE ECONOMIC DEVELOPMENT CORPORATION OF FRESNO COUNTY FOR FISCAL YEAR 2004

President Castillo noted Exhibits A and B were not included in the material with Assistant City Manager Souza confirming there were none as the agreement had changed and advised the contract would be presented when the item is considered at 11 a.m.

On motion of President Castillo, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Item 11:00 A.M. tabled pending review of the agreement, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

On notion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes	:	None
Absent	:	None

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CONSIDER CONSENT CALENDAR:

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-C** stating Fresno County needed to be informed; in opposition to Item **1-D** stating City employees should do the work; questioned the purpose of Items **1-F, 1-J, 1-K** and **1-L**; and spoke in support of Item **1-P**.

(1-E) ADOPT RESOLUTIONS PERTAINING TO PERSONNEL ISSUES

1. RESOLUTION - 5TH AMENDMENT TO SALARY RES. 2003-213 RE-TITLING THE CLASS OF DIRECTOR OF TRANSPORTATION TO DIRECTOR OF AVIATION
2. RESOLUTION - 6TH AMENDMENT TO PAR 2003-210 CONVERTING ONE (1) POSITION FROM TEMPORARY TO PERMANENT IN THE FACILITIES MANAGEMENT DIVISION OF THE GENERAL SERVICES DEPARTMENT

The above Item 1-E was removed from the agenda by City Manager Hobbs and upon question of Councilmember Dages Mr. Hobbs stated the item was being removed as some reconciliations needed to be done through the budget process to determine exactly how the transportation management aspect of the position would be handled.

ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2004-36 - 4TH AMENDMENT TO AAR TO PROVIDE SUPPORT PERSONNEL FOR THE NEIGHBORHOOD TRAFFIC UNIT

(1-B) RESOLUTION NO. 2004-37 - INTENT TO ANNEX FINAL TRACT NO. 5067 TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2

(1-C) ADOPT RESOLUTIONS RESCINDING AND SUPERSEDING RESOLUTION NO. 2003-374

1. RESOLUTION NO. 2004-38 - RESCINDING RES. 2003-374 WHICH ORDERED THE VACATION OF "N" STREET AND THE "N-O" ALLEY BETWEEN VENTURA AND FREEWAY 41, SANTA CLARA STREET BETWEEN "N" AND "O" STREETS, A 20-FOOT WIDE ALLEY ALONG FREEWAY 41 BETWEEN THE "M-N" ALLEY AND THE "N-O" ALLEY, THE "M-N" ALLEY BETWEEN SANTA CLARA STREET AND FREEWAY 41, AND A SEWER AND WATER EASEMENT IN LOT 6 IN BLOCK 122 OF THE TOWN OF FRESNO

2. RESOLUTION NO. 2004-39 - ORDERING THE VACATION OF THE "N-O" ALLEY BETWEEN VENTURA AND FREEWAY 41, SANTA CLARA STREET BETWEEN "N" AND "O" STREETS, A 20-FOOT WIDE ALLEY ALONG FREEWAY 41 BETWEEN "N" STREET AND THE "N-O" ALLEY AND A SEWER AND WATER EASEMENT IN LOT 6 IN BLOCK 122 OF THE TOWN OF FRESNO, AND AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO EXECUTE QUITCLAIM DEEDS TO THE REDEVELOPMENT AGENCY FOR THE VACATED AREAS

3. RESOLUTION NO. 2004-40 - ORDERING THE VACATION OF "N" STREET BETWEEN VENTURA AND FREEWAY 41, A 20-FOOT WIDE ALLEY ALONG FREEWAY 41 BETWEEN "N" STREET AND THE "M-N" ALLEY AND THE "M-N" ALLEY BETWEEN SANTA CLARA STREET AND FREEWAY 41, AND AUTHORIZING AND DIRECTING THE PUBLIC WORKS DIRECTOR TO EXECUTE QUITCLAIM DEEDS TO THE REDEVELOPMENT AGENCY FOR THE VACATED AREAS

(1-D) AWARD A THREE-YEAR CONTRACT WITH TWO ONE-YEAR EXTENSIONS TO ABM JANITORIAL SERVICES-NORTHERN CALIFORNIA DBA ABM JANITORIAL SERVICES, INC. OF FRESNO IN THE AMOUNT OF \$562,241.80 TO PROVIDE CUSTODIAL SERVICES AT VARIOUS CITY OF FRESNO LOCATIONS

(1-F) **RESOLUTION NO. 2004-41** - 58TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$125,500 TO FUND THE CITY'S 30% SHARE OF THE COST OF AMENDMENT #6 TO AN EXISTING CONTRACT WITH ERM WEST, INC.

1. APPROVE AMENDMENT #6 TO THE EXISTING AGREEMENT WITH ERM WEST, INC. FOR PROFESSIONAL ENGINEERING AND RELATED ENVIRONMENTAL SUPPORT SERVICES FOR ONGOING CONTAMINATION INVESTIGATION AND INTERIM ACTION AT OLD HAMMER FIELD/FRESNO YOSEMITE INTERNATIONAL AIRPORT CONSISTENT WITH AN AGREEMENT BETWEEN THE POTENTIALLY RESPONSIBLE PARTIES (PRPs)

(1-G) **RESOLUTION NO. 2004-42** - 59TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$833,400 TO FUND A NEW PART 150 NOISE COMPATIBILITY STUDY AT THE FRESNO YOSEMITE INTERNATIONAL AIRPORT

1. APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH HARRIS, MILLER, MILLER AND HANSON, INC., FOR DEVELOPMENT OF THE STUDY PER FAA REGULATIONS

(1-H) AWARD A TEN-YEAR EXTENSION OF THE CONTRACT WITH INTERSPACE SERVICES, INC. DBA INTERSPACE AIRPORT ADVERTISING (INTERSPACE), COVERING THE ADVERTISING CONCESSION AT FRESNO YOSEMITE INTERNATIONAL AIRPORT, AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

Councilmember Calhoun commended staff on the issue stating this was very creative and the new advertising would make the airport much nicer.

(1-I) AWARD A THREE-YEAR CONTRACT, WITH TWO ONE-YEAR EXTENSION OPTIONS, TO ACE PARKING MANAGEMENT, INC. (ACE), FOR THE OPERATION AND MANAGEMENT OF THE PUBLIC AND EMPLOYEE PARKING LOTS AT THE FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT, AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

Councilmember Calhoun commended staff on the contract and the credit card express concept and added the company looked like it was an excellent one and one that would provide Fresno with the type of services it deserves.

(1-J) APPROVE AMENDMENT NO. 4 TO THE AVIATION LEASE AND AGREEMENT WITH MEMLEY AVIATION, INC., AND AUTHORIZE THE DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-K) APPROVE AMENDMENT NO. 4 TO THE AVIATION LEASE AND AGREEMENT WITH FRANK X. RUIZ AND LORRAINE R. RUIZ, AS INDIVIDUALS, AND FRANK X. RUIZ AVIONICS INC., AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-L) APPROVE AMENDMENT NO. 1 TO THE AVIATION LAND AND BUILDING LEASE AND AGREEMENT WITH WILLIAM A. NEWBURN, JR., AND AUTHORIZE THE INTERIM DIRECTOR OF TRANSPORTATION TO EXECUTE THE SAME ON BEHALF OF THE CITY

(1-M) RESOLUTION NO. 2004-43 - APPROVING THE FINAL MAP OF TRACT NO. 5107 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, NORTH AND SOUTH SIDES OF W. CLINTON BETWEEN N. CORNELIA AND N. MILBURN AVENUES IN COUNCIL DISTRICTS 1 AND 3

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE
2. AUTHORIZE THE PLANNING & DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

(1-N) APPROVE APPOINTMENTS OF MICHAEL MCDONALD TO THE CIVIL SERVICE BOARD AND COUNCILMEMBER STERLING TO THE FRESNO-MADERA AREA AGENCY ON AGING BOARD - MAYOR AUTRY

(1-O) RESOLUTION NO. 2004-44 - AUTHORIZING ACCEPTANCE OF THE CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CAL-MMET) 2003-4 GRANT PASS-THROUGH AWARD OF \$263,300 AND EXECUTION OF PROGRAM DOCUMENTS

1. RESOLUTION NO. 2004-45 - 62ND AMENDMENT TO AAR 2003-209 APPROPRIATING \$263,300 TO THE POLICE DEPARTMENT FOR THE CAL-MMET PROGRAM

(1-P) RESOLUTION NO. 2004-46 - APPROVING ADDITIONAL ADMINISTRATIVE LEAVE FOR THE CITY CLERK AND CITY ATTORNEY BASED ON PERFORMANCE EVALUATION

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby approved, by the following vote:

Ayes	:	Boyaijan, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(2-A) APPROVE RENT CREDIT OF \$125,000 FOR THE FRESNO DIAMOND GROUP AS A SETTLEMENT OF AN UNRESOLVED CLAIM CONTAINED IN SECTION 3.5(e) OF THE LEASE AGREEMENT BETWEEN THE CITY OF FRESNO AND THE FRESNO DIAMOND GROUP

Assistant City Manager Souza reviewed the issue as contained in the staff report as submitted.

Barbara Hunt, 2475 S. Walnut, expressed numerous concerns with the issue.

Mr. Souza and City Attorney Montoy clarified issues and/or responded to questions of Councilmembers Dages, Perea, Calhoun and Duncan relative to whether the Diamond Group was current on their lease payments, what the dispute was that required a third party review, if a third party review would not take place if the settlement is approved, the claim range, Councilmember Perea stating a third party review was needed to determine the actual amount owed, if this was the last open item, liquidated damages and the city attorney's involvement, why this matter was being conducted in open session and not closed, consequence if the rent credit is not approved, and if this recommendation was the end result of a process of negotiation, some third party review and agreement of the original contract.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, a \$125,000 rent credit for the Fresno Diamond Group (FDG) as resolution of the unresolved claim for development and design costs incurred by FDG related to the Downtown Multipurpose Stadium hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Castillo
 Noes : Perea, Sterling
 Absent : None

(10:10 A.M.) HEARING ON PLAN AMENDMENT NO. A-01-15, REZONE APPLICATION NO. R-01-18 AND ENVIRONMENTAL FINDINGS, FILED BY ROB ADOLPH ON BEHALF OF BOB KAMMEN, ET AL, NORTHWEST CORNER OF N. WILLOW AND E. NEES AVENUE IN DISTRICT 6

1. CONSIDER AND ADOPT FINDING OF MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-01-15/R-01-18

2. RESOLUTION NO. 2004-47 - AMENDING THE 2025 FRESNO GENERAL PLAN AND THE WOODWARD PARK COMMUNITY PLAN CHANGING THE PLANNED LAND USES

3. BILL NO. B-11 - ORDINANCE NO. 2004-12 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM AE-5/UGM TO C-2/UGM/CZ, *WITH AN ADDED CONDITION

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Sanchez reviewed the issue at length, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Rob Adolph, 1195 W. Shaw, on behalf of the applicant, who expressed concerns with (1) paying the up-front fees for the Maple/Nees traffic signal, and (2) Willow Avenue ingress/egress; and Barbara Hunt 2475 S. Walnut, opposed.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Councilmember Duncan stated this was a good project but he had a concern with the traffic signal cost issue and presented questions/comments relative to the amount of development in the area and why there were no funds available for the signal, the Maple/Nees intersection being the #12 priority for signalization and if fees were not assessed from the other developments for this signal, non-support of paying the entire cost of a signal over one mile away from the site, and support for the developer paying his fair share but not the entire cost, with Transportation Manager Benavides responding to questions/comments throughout. **(3 - 0)** Councilmember Duncan acknowledged the area was filling up and traffic would increase but stated this was an issue of fairness, added there was no established revenue stream to reimburse the developer for the traffic signal, and made a motion to approve staff's recommendation with the developer to pay only his proportional share of the traffic signal at Maple & Ness instead of the entire amount. Mr. Benavides stated it would be more cost efficient for the developer to install the traffic signal (versus the City), and along with Councilmember Duncan and Mr. Adolph, responded to questions of Councilmembers Boyajian and Dages relative to the Willow/Nees intersection and signalization, what this developer was paying for, what the developer's pro rata share would be, if the developer would contribute to road improvements, if the developer was receiving credits (or saving money) from other developments in the area, if the developer was willing to work with Caltrans, the Chestnut/Nees, Willow/Teague, Willow/Shepherd intersections, and concurrence and concern with the developer being asked to pay for a signal one mile from the project. Councilmember Dages seconded the motion on the floor. Clarification was made that the mitigation measure was the result of a CEQA impact, and Mr. Yovino offered an alternative that Council approve staff's recommendation with the condition that the fair payback will be identified/provided in the CUP for the project when it comes back to Council.

Councilmember Calhoun stated he was concerned about precedent-setting and this was an issue of fairness, stated Council was getting involved in staff's role by determining what was "too far", and stated he was very reluctant to support the motion on the floor and urged the motion-makers to accept Mr. Yovino's alternative.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-01-15, R-01-18, dated December 18, 2003, hereby approved; the above entitled Resolution No. 2004-47 hereby adopted; and the above entitled Bill No. B-11 rezoning the subject property adopted as Ordinance No. 2004-12 subject to the conditions noted in the staff report, *and, with the added condition*, that the fair payback for the traffic signal will be identified/provided in the CUP for the project, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-03-28, AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES, PROPERTY LOCATED ON THE EAST SIDE OF N. CORNELIA BETWEEN W. SHIELDS AND W. CLINTON AVENUES IN DISTRICT 1

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-28/T-4544, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. **BILL NO. B-12 - ORDINANCE NO. 2004-13** - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM R-R (COUNTY) TO R-1/UGM

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Timothy Jones, 2445 Capitol Street, on behalf of the applicant, who requested approval stating this was an appropriate project and consistent with the general plan; and Barbara Hunt, 22475 S. Walnut, opposed.

Upon call, no one else wished to be heard and closed the public hearing.

Councilmember Boyajian stressed a master plan was needed for the area and elaborated; spoke to the impacts and to the county roads and stated this was also a safety issue; emphasized this project would result in more projects in the area and development needed to stop for awhile; and urged Council to vote "no". Planning & Development Director Yovino responded to questions/comments of Councilmember Duncan relative to what the West Area Community Plan (WACP) was, if the subject site fell within the WACP, City staff working diligently with Fresno County to address the large issues, and why staff was recommending approval. Mr. Yovino clarified as projects come forward staff insures services and public safety issues are adequately addressed.

Councilmember Duncan made a motion to approve staff's recommendation, which motion was seconded by Councilmember Calhoun who stated he was optimistic and trusted staff and the West Area Committee who reviewed the project, stated Council could not hold appropriate projects hostage because things may be difficult, and encouraged approval stating this was the appropriate growth area. Councilmember Dages also spoke briefly in support and thanked Steve Lutton for his contributions to the community.

Councilmember Boyajian refuted Mr. Yovino's comments; stressed his responsibility was to the people of District 1 and not to developers; and reiterated his concerns stressing he wanted to see a plan that protected children walking to school and added an EIR was never conducted and nothing was being mitigated.

Transportation Manager Benavides, Public Works Director Ruiz, City Attorney Montoy and Mr. Yovino clarified issues and/or responded to questions/comments of President Castillo at length relative to why a traffic signal was required with the preceding project and not this one, if the developer was paying traffic signal fees (**4 - 0**), what funds were available for traffic signals, if the developer could be asked to pay the up-front signal cost with an identified payback fund, if cumulative impacts should be considered, Councilmember Boyajian's request for a master plan for the area the last time the project was before Council and if anything was done in that regard, and staff's work with Fresno County and the new fee increases being proposed going a long way to improve the west area. Councilmember Boyajian stressed the City knows this will not be the only project and cumulative impacts needed to be considered, reiterated there would be impacts and congestion and a plan was needed, and stated this developer was paying zero towards traffic signals. Upon the request of Ms. Montoy, Planning Manager Haro clarified the City was imposing every fee on the developer that could be legally imposed.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the environmental finding of Environmental Assessment No. R-03-28/T-4544 that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR No. 10130 hereby approved, and the above entitled Bill No. B-12 rezoning the site adopted as Ordinance No. 2004-13, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, **Sterling, Castillo
Noes	:	Boyajian
Absent	:	None

****NOTE** - Later in the meeting Councilmember Sterling stated she made a mistake and meant to vote "No".

(10:30 A.M.) HEARING TO CONSIDER THE “VILLA SANTA FE” CONDOMINIUM CONVERSION APPLICATION AND VESTING TENTATIVE TRACT MAP NO. 5180, FILED BY UNITED DEVELOPMENT GROUP, INC., PROPERTY LOCATED ON THE NORTHEAST CORNER OF E. HUNTINGTON BOULEVARD AND “R” STREET IN DISTRICT 3

1. CONSIDER AND ADOPT CATEGORICAL EXEMPTION FOR ENVIRONMENTAL ASSESSMENT NO. T-5180

2. RESOLUTION NO. 2004-48 - APPROVING VESTING TENTATIVE TRACT MAP NO. 5180 PROPOSING THE CREATION OF A ONE COMMON LOT CONDOMINIUM MAP, AND THE CONVERSION OF THE “VILLA SANTA FE” MULTIPLE-FAMILY APARTMENT COMPLEX INTO A CONDOMINIUM PROJECT

President Castillo announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Dirk Poeschel, 903 Van Ness, representing the applicant, who spoke further to the condominium conversion ordinance and the project and requested approval; Jim Cook, current tenant, opposed; Marsha Simpson, 3035 E. Platt, support; and Barbara Hunt, 2475 S. Walnut, support.

Upon call, no one else wished to be heard and President Castillo closed the public hearing.

Councilmember Sterling pointed out two apartments complexes in her district, Bigby Villa and Westgate, were both remodeled and had significant improvements made and spoke to the process, collaboration and pride of the tenants (and later stated even though they were not condo conversions the long-term residents felt like they were owners); and spoke in support of this project stating it was infill development and very appropriate for the area and made a motion to approve staff’s recommendation. Councilmember Calhoun spoke in support of condominiums and to the importance of home ownership and questioned why condominium projects were not being considered/constructed in his district and if condominiums were considered R-2s and met housing standards and needs, with Planning & Development Director Yovino and Mr. Poeschel responding. Councilmember Calhoun seconded the motion on the floor and stated condominiums were a reasonable option and he would be pushing for them in his district. Councilmembers Duncan, **(5 - 0)** Boyajian, Dages, Perea and President Castillo also spoke in support, questioned if City programs would be available for buyers (with Mr. Yovino responding affirmatively), and expressed encouragement and commended the developer for the investment and commitment to downtown.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the environmental finding of a Categorical Exemption for Environmental Assessment No. T-5180 issued November 6, 2003, hereby approved; the Condominium Conversion Application for the “Villa Santa Fe” apartments approved; and the above entitled Resolution No. 2004-48 approving Venting Tentative Tract Map No. 5180, subject to compliance with the Conditions of Approval dated January 7, 2004, hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

(10:20 A.M.) HEARING ON REZONE APPLICATION NO. R-03-28, AND ENVIRONMENTAL FINDINGS, FILED BY LENNAR HOMES, PROPERTY LOCATED ON THE EAST SIDE OF N. CORNELIA BETWEEN W. SHIELDS AND W. CLINTON AVENUES IN DISTRICT 1

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-28/T-4544, FINDING OF CONFORMANCE WITH THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130

2. BILL NO. B-12 - ORDINANCE NO. 2004-13 - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM R-R (COUNTY) TO R-1/UGM (FROM EARLIER)

Councilmember Sterling stated for the record she made a mistake and meant to vote “NO” (which was also indicated after the actual vote).

LUNCH RECESS - 12:10 P.M. - 2:05 P.M.

(2:05 P.M. #1) JOINT MEETING WITH THE FRESNO RECREATIONAL AUTHORITY**(A) APPOINT ONE (1) MEMBER TO FILL THE VACANCY ON THE FRESNO RECREATIONAL AUTHORITY**

City Attorney Montoy advised the correct name of the Authority was *Fresno Recreational Facilities Financing Authority* and clarified this matter should have been scheduled as a joint meeting with the Redevelopment Agency, not the Authority. President Castillo stated the item would be rescheduled in two weeks jointly with the Agency.

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(2:05 P.M. #2 and #3) JOINT CLOSED SESSION WITH THE FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY (FRFFA) AND REGULAR CLOSED SESSION OF THE CITY COUNCIL

(#2 - A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO; FRESNO RECREATIONAL FACILITIES FINANCING AUTHORITY V. PETER STRAVINSKI, ET AL.

(#3 - A) CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

PROPERTY: CENTRAL VALLEY PROJECT (CVP) WATER SUPPLY CONTRACT RENEWAL

CITY NEGOTIATORS: PUBLIC UTILITIES DIRECTOR, CONTRACT COUNSEL (HATCH & PARENT), AND CITY ATTORNEY

NEGOTIATING PARTIES: BUREAU OF RECLAMATION (U.S. GOVERNMENT, DEPARTMENT OF INTERIOR)

UNDER NEGOTIATION: LONG-TERM WATER SUPPLY CONTRACT FROM CVP

The City Council met in joint closed session with the FRFFA and in regular closed session at the hour of 2:09 p.m. in Room 2125 to consider the above issues and reconvened in regular open session at 2:54 p.m.

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UNSCHEDULED ORAL COMMUNICATIONS :

APPEARANCE BY BARBARA HUNT, 2475 S. WALNUT, REGARDING THE REDEVELOPMENT AGENCY, REDEVELOPMENT AREAS, AND REDEVELOPMENT FUNDS

Appearance made; no action taken.

COMMENDATION TO CITY STAFF AND TRAINING BY THE PACIFIC INSTITUTE - COUNCILMEMBER CALHOUN

Commendation made.

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(2:45 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed and convened in joint session with the Redevelopment Agency at the hour of 2:59 p.m.

APPROVE AGENCY MINUTES OF JANUARY 13, 2004

On motion of Councilmember Sterling, seconded by Councilmember Perea, duly carried, RESOLVED, the Agency minutes of January 13, 2004, approved as submitted.

(“A”) JOINT RESOLUTION NO. 2004-49/1645 - DESIGNATING POSITIONS WHICH SHALL BE SUBJECT TO THE CONFLICT OF INTEREST CODE AND DEFINING CATEGORIES OF DISCLOSURE FOR SUCH POSITIONS

Briefly reviewed by City Clerk Klisch who stated this was a routine matter done annually.

On motion of Councilmember Sterling, seconded by President Castillo, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 20004-49/1645 hereby adopted, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(“B”) CONSIDER MATTERS REGARDING THE CEDAR-SHIELDS STREETScape PROJECT (AIRPORT REVITALIZATION PROJECT AREA)

1. JOINT RESOLUTION NO. 2004-50/1646 - MAKING CERTAIN FINDINGS PURSUANT TO SECTION 33445 OF THE COMMUNITY REDEVELOPMENT LAW AND AUTHORIZING THE INSTALLATION OF PUBLIC IMPROVEMENTS AND LANDSCAPING (CEDAR-SHIELDS STREETScape PROJECT)

2. AWARD A CONTRACT TO AMERICAN PAVING COMPANY FOR THE CEDAR-SHIELDS STREETScape PROJECT (AGENCY ACTION)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted, recommended approval, and clarified issues and responded to questions of Councilmembers Boyajian, Calhoun and Duncan and/or clarified issues relative to the findings to be made and their basis, the Engineer’s estimate, funding source, if there were other options/priorities that were considered, and this project being approved/funded during the budget process.

A motion was made to approve staff’s recommendation which was seconded by Councilmember Perea who spoke briefly to the background and in support of the project, stated area residents were excited about the project and it would beautify the neighborhood, and urged Council’s support.

On motion of President Castillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Joint Council/Agency Resolution No. 2004-50/1646 hereby adopted, and a contract in the amount of \$686,404.50 hereby awarded to American Paving Company of Fresno for the streetscape project at the intersection of Cedar and Shields Avenue, by the following vote:

Ayes : Calhoun, Castillo, Dages, Duncan, Perea, Sterling, Boyajian
 Noes : None
 Absent : None

(“C”) CONSIDER TAKING CERTAIN ACTIONS RELATING TO FINANCING PUBLIC IMPROVEMENTS FOR ROEDING BUSINESS PARK REDEVELOPMENT PROJECT AREA (PHASES I, II AND III)

1. APPROVING A LOAN AND REIMBURSEMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND THE CITY FOR \$1.2 MILLION FOR PHASE I AND II MATCHING FUNDS FOR PROJECT COSTS PURSUANT TO THE ECONOMIC DEVELOPMENT ADMINISTRATION GRANT (JOINT ACTION)

2. AGENCY RESOLUTION NO. 1647 - MAKING CERTAIN FINDINGS AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE TAX ALLOCATION LOAN AGREEMENT BETWEEN THE AGENCY AND THE CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK (1 BANK) AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (LOAN NOT TO EXCEED \$2,118,000)

3. COUNCIL RESOLUTION NO. 2004-51 - MAKING CERTAIN FINDINGS AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE TAX ALLOCATION LOAN AGREEMENT BETWEEN THE AGENCY AND THE CALIFORNIA INFRASTRUCTURE AND ECONOMIC DEVELOPMENT BANK (1 BANK) AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (LOAN NOT TO EXCEED \$2,118,000)

4. COUNCIL RESOLUTION NO. 2004-52 - MAKING CERTAIN FINDINGS AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE SITE LEASE AND THE FACILITIES LEASE BETWEEN THE CITY AND 1 BANK AND APPROVING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH (LOAN NOT TO EXCEED \$2,441,100)

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report as submitted stating this would carry out the financing previously approved. Agency Director Fitzpatrick thanked and commended City and Agency staff for doing an excellent job.

Barbara Hunt, 2475 S. Walnut, expressed various concerns. President Castillo left the meeting at 3:11 p.m.

On motion of Councilmember Sterling, seconded by Councilmember Dages, duly carried, RESOLVED, a Loan and Reimbursement Agreement between the Agency and City for \$1.2 million for Phase I and II matching funds for project costs pursuant to the Economic Development Administration grant hereby approved, and the above entitled Agency Resolution No. 1647 and Council Resolution Nos. 2004-51 and 2004-52 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Boyajian
Noes : None
Absent : Castillo

Ms. Murphey thanked and commended Deputy City Attorney Smith for all her hard work and efforts.

ADJOURNMENT

There being no further business to bring before the joint bodies and the City Council, the hour of 3:15 p.m. having arrived and hearing no objections, Chairman Boyajian declared the meeting adjourned.

APPROVED on the ____24th ____day of ____February_____, 2004.

_____/s/_____
Tom Boyajian, Agency Chair

ATTEST:_____/s/_____
Yolanda Salazar, Assistant City Clerk

143-54

2/10/04